

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA,

Case No. 3:10-CR-229-BR-1

Plaintiff,

ORDER

v.

JOSH HALL,

Defendant.

Based upon the uncontradicted facts set forth in the December 7, 2011, Declaration of Counsel in Support of Motion to Continue Trial Date, the Court has evaluated the need for the requested continuance for a delay of approximately 77 days, and finds:

Defendant is charged in a six-count Indictment with three counts of Bank Fraud in violation of 18 USC § 2 and 1344; and three counts of False Statement to a Bank in violation of 18 USC § 2 and 1014. He was released by Order Setting Conditions of Release on June 16, 2010. This is defendant's sixth request for a continuance, but third request from new counsel.

Defendant seeks the continuance for the purposes of (a) consultation between Defendant and his counsel regarding the case. It is necessary for these matters to be addressed before the case can be resolved by trial or otherwise.

The Government does not object to the requested continuance.

The Court finds that 77 days is a reasonable time period to accomplish all of the necessary purposes identified in the motion and supporting documentation. Pursuant to 18 U.S.C. §3161(h)(7)(A), the Court also finds the ends of justice outweigh the best interests of the public and the defendant in a speedy trial because the failure to grant the requested continuance is likely to result in a miscarriage of justice (§3161(h)(7)(B)(i)) and likely would deny Defendant's counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence (§3161(h)(7)(B)(iv)).

Accordingly, the Court **GRANTS** the Motion to Continue Trial Date and resets the Jury Trial (2 days) from 12/13/2011 to 02/28/2012 at 9:00 am before Judge Anna J. Brown. The Court finds the period of time between 12/13/2011 and 02/28/2012 is excludable for purposes of the Speedy Trial Act. No more continuances will be granted absent a showing of extraordinary circumstances.

IT IS SO ORDERED.

Dated: December 13, 2011

/s/ Anna J. Brown
ANNA J. BROWN
United States District Judge